

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 21-26 and 34-40 are pending in this application. By this Amendment, claims 21 and 39 are amended; and claims 27-32 are cancelled without prejudice to or disclaimer of the subject matter contained therein. No new matter is added. Claims 21 and 39 are the independent claims.

Entry of After Final Amendment

Entry of this amendment is proper under 37 CFR §1.116 since the amendments: (a) **place the application in condition for allowance for the reasons discussed herein**; (b) do not raise any new issues requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. Entry of the Amendment is thus respectfully requested.

Applicants' Initiated Interview Summary

The courtesies extended by Examiner Vaughn to Applicants' representative, David J. Cho, Reg. 48,078, during a telephonic interview conducted on January 25, 2011, are acknowledged and appreciated. The substance of the interview is set forth in the Examiner's Interview Summary and in the following Applicant Initiated

Interview Summary. As required by 37 C.F.R. § 1.133(b), Applicants' summary of that interview is as follows:

1. Brief Description of any Exhibit Shown

No exhibit was shown or demonstrated during the interview.

2. Identification of the Claims Discussed

The Examiner and Applicants' representative discussed independent claim 21.

3. Identification of the Specific Prior Art Discussed

The Examiner and Applicants' representative discussed U.S. Patent Publication No. 2002/0186845 to Dutta et al (hereinafter "Dutta").

4. Identification of the Proposed Amendments

As presented above in the instant amendment, Applicants' representative and the Examiner discussed amending independent claim 21 to more clearly define the claimed invention.

5. Summary of the Arguments Presented to the Examiner

Applicants' representative presented arguments regarding the failure of the Dutta reference discloses all of the recited features found in claim 21. More specifically, Applicants' representative argued that the method of claim 21 is executed by the control server in an automatic manner without any intervention of the user, whereas "user intervention" is taught by the method of Dutta. The Examiner somewhat agreed, but indicated that the arguments are not commensurate with the scope of the claims. Accordingly, the remainder of the interview was directed to discussing a level of recitation needed to clearly define the "automatic" feature of the control server, thereby obviating the rejection based on Dutta.

6. General Outcome of the Interview

An agreement between the Examiner and Applicants' representative was generally reached. In particular, it was agreed that upon the discussed language being incorporated into independent claim 21, the claims would overcome the rejections based on Dutta. The Examiner also indicated upon further prior art search, if no art is found, he will place the application in condition for allowance.

Claim Rejections - 35 U.S.C. § 112

Claims 21-28, 30-32 and 34-40 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants respectfully traverse this rejection for the reasons discussed below.

Applicants have amended claims 21 and 39, taking into consideration the Examiner's comments, to obviate the rejection. In particular, the phrase "the method being carried out on at least one of each initialization, activation or deactivation of the at least one additional application" has been removed in the preamble of claim 21.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §112, second paragraph, are respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 21-28, 30-32 and 34-40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,864,757 to Parker ("Parker") in view of U.S. Patent Publication No. 2002/0186845 to Dutta et al. ("Dutta"). Applicants respectfully traverse this rejection for the reasons discussed below.

As discussed and agreed during the interview, Applicants respectfully submit that Parker and the Dutta references, individually or in combination, fail to disclose, or even suggest, *inter alia*:

the equipment, periodically sending via the network to the control server identification data including at least a type and software version of the equipment and a type and software version of the security module. (emphasis added)

Specifically, the Dutta reference discloses a method for controlling a security element of a mobile terminal by disabling access to secured functions. When a user wishes to remotely disable a function of the terminal, the user accesses the service via the telephone network, Internet, Email, or other means. A server of the service provider verifies authenticity of the user, and creates a signed message including, at least, an address for the mobile terminal and instructions for disabling the application to be executed on the mobile terminal....Disabled functions thus can be re-enabled by an appropriate message sent by the service provider upon request from the user in a similar way than for disabling functions....A user can re-enable access to disabled functions with another request that generates another message – *see paragraph [0007]* of Dutta. Therefore, the operation of controlling the security element in Dutta is always initiated upon user request while, in contrast, claim 21 recites that the management of the application security is performed by the control server - viz. “the equipment, periodically sending via the network to the control server,” as recited in amended claim 21.

In addition, claim 21 has been amended to further recite “when” the analyzing and verifying of the identification data may occur. For instance, at specific occurrences of at least one:

- after each connection of the equipment to the network;
- after each updating of the software version of the equipment;
- after at least one of each activation and deactivation of the additional application on the equipment;
- after each updating of the software version of the security module;
- after each updating of resources on the security module; and
- periodically at a rate given by the control server.

Thus, the opportunities are not managed by a request or a command sent by the user as in Dutta, but depend mainly on the current status of the additional applications installed in the terminal.

Finally, Applicants respectfully submit that none of the applied references teach or suggest the method of, *inter alia*, “generating, by the control server, a cryptogram from a result of the verification of the identification data by comparing the identification data to a subscriber database content,” as recited in amended claim 21.

Specifically, Applicants submit that Parker and/or Dutta fail to disclose or suggest ‘how’ the result of the verification of the identification data may be obtained. For example, amended claim 21 recites that the “result” may be obtained by comparing the identification data to “a subscriber database content” – see paragraph [0038] of the corresponding U.S. published application.

Since the rejection fails to disclose or suggest each and every element of the rejected claims, Applicants respectfully submit that no *prima facie* case of obviousness has been established with respect to claim 21.

In view of the above, Applicants respectfully submit that the Parker and the Dutta references, individually or in combination, fail to teach or suggest each and every element of claim 21, and therefore, claim 21 is allowable over the cited prior art. Claim 39 is also allowable for the similar reasons discussed above regarding claim 21.

Claims 22-27, 34-38, and 40 are dependent from either claims 21 or 39, and therefore, also allowable. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. Further, the above remarks demonstrate the failings of the outstanding rejections, and are sufficient to overcome the rejections. However, these remarks are not intended to, nor need they, comprehensively address each and every reason for the patentability of the claimed subject matter over the applied prior art. Accordingly, Applicants do not contend that the claims are patentable solely on the basis of the particular claim elements discussed above.

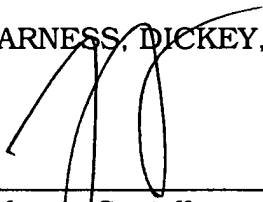
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned, at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



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